

**ORDINANCE NO. 2013-78**

ORDINANCE APPROVING A FINAL PLAT OF BELLAGIO, ACCEPTING ALL DEDICATION OF AVENUES, STREETS, ROADS OR OTHER PUBLIC WAYS, TOGETHER WITH ALL EXISTING AND FUTURE PLANTING OF TREES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE. **PROPERTY LOCATED ON A VACANT PARCEL OF LAND ON THE SOUTH SIDE OF NW 146 STREET AND THE NORTH SIDE OF NW 139 STREET, EAST OF NW 97 AVENUE AND WEST OF THE I-75 EXPRESSWAY, HIALEAH, FLORIDA.**

**WHEREAS**, the Planning and Zoning Board at its meeting of September 25, 2013 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The final plat of Bellagio, submitted by Bellagio Lennar, LLC, a Florida limited liability company, by and through its managing-member, Lennar Homes, LLC, by its Vice President, Greg McPherson, as appointed by U.S. Home Corporation, a Delaware corporation, managing-member, is hereby accepted. Property located on a vacant parcel of land on the south side of Northwest 146 Street and the north side of Northwest 139 Street, east of Northwest 97 Avenue and west of the I-75 Expressway, Hialeah, Miami-Dade County, Florida, zoned RH-1 (Residential Development District), classified under the Future Land Use Map as Residential, and legally described as follows:

SEE ATTACHED “**EXHIBIT A**”

**Section 2:** All dedication of avenues or other public ways together with all existing and future planting, trees, shrubbery and fire hydrants thereon are hereby accepted.

**Section 3:** **Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4:** **Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

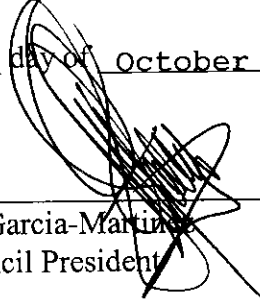
**Section 5:** **Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or section of this ordinance.

**Section 6: Effective Date.**

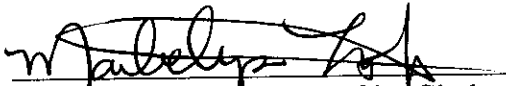
This ordinance shall become effective when passed by the City Council of the City of Hialeah, Florida, and signed by the Mayor of the City of Hialeah, Florida.

PASSED and ADOPTED this 22 day of October, 2013.

  
\_\_\_\_\_  
Isis Garcia-Martinez  
Council President


Attest:

Approved on this 23 day of October, 2013.

  
\_\_\_\_\_  
Marbelys L. Fatjo, Acting City Clerk

  
\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to legal sufficiency and as to form:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes"

**EXHIBIT A**

A Portion of Tracts 33, 34, 35, 36, 37, 38, 39, 43, 44, 45 and 46 of "Florida Fruit Lands Company's Subdivision No. 1", in the Southwest 1/4 of Section 21, Township 52 South, Range 40 East, according to the Plat thereof as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida, the entire parcel being more particularly described as follows:

Commence at the Northwest corner of said Southwest 1/4; thence South  $02^{\circ}37'55''$  East on the West Line of said Southwest 1/4 for 660.25 feet; thence North  $89^{\circ}37'04''$  East 50.04 feet to the POINT OF BEGINNING; thence continue North  $89^{\circ}37'04''$  East on the North Line of said Tract 46 for 1269.03 feet to the Northeast corner of said Tract 46, also being the Southwest corner of said Tract 34; thence North  $02^{\circ}37'47''$  West on the West Line of said Tracts 34 and 33 for 660.41 feet to the Northwest corner of said Tract 33; thence North  $89^{\circ}36'40''$  East on the North Line of said Tract 33 for 847.15 feet to the Intersection with the Westerly Right-of-Way Limit of Interstate 75; thence on said Westerly Right-of-Way Limit, the following 5 courses and distances: 1) South  $02^{\circ}35'43''$  East 243.52 feet; 2) South  $01^{\circ}52'16''$  West 768.10 feet to a point on the arc of a circular curve, concave Northwesterly, the Radius point of which bears North  $88^{\circ}35'43''$  West; 3) Southwesterly on the arc of said curve, with a Radius of 1,035.92 feet and a Central Angle of  $31^{\circ}00'00''$  for an arc distance of 560.49 feet to a Point of Tangency; 4) South  $32^{\circ}24'17''$  West 316.11 feet to a point of curvature of a circular curve, concave Southeasterly; 5) Southwesterly on the arc of said curve, with a Radius of 1,315.92 feet and a Central Angle of  $19^{\circ}41'38''$  for an arc distance of 452.31 feet; thence North  $77^{\circ}18'30''$  West 130.38 feet; thence South  $10^{\circ}52'39''$  West 121.85 feet to the Intersection with the South Line of said Tract 39; thence South  $89^{\circ}38'06''$  West on said South Line 74.40 feet to the Southwest corner of said Tract 39; thence North  $02^{\circ}37'47''$  West on the West Line of said Tract 39 for 330.20 feet to the Northwest corner of said Tract 39, also being the Southeast corner of said Tract 43; thence South  $89^{\circ}37'54''$  West on the South Line of said Tract 43 for 1,268.99 feet to the Intersection with a Line lying 50.00 feet East of and parallel with the West Line of said Section 21; thence North  $02^{\circ}37'55''$  West on said parallel Line 1320.51 feet to the POINT OF BEGINNING. Less the North 15.00 feet of Tract 33.